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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,397	02/25/2002	Andreas Hofstetter	P01.0402	2404

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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CHICAGO, IL 60606-6473

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/009,397	Applicant(s) HOFSTETTER, ANDREAS	
	Examiner Barbara N. Burgess	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Election/Restriction filed October 30, 2006.

Applicant has elected Group II (consisting of claims 16-20), with traverse, for prosecution. Claims 16-20 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wydra et al. (hereinafter "Wydra", US Patent No. 6,598,067 B1).

As per claim 16, Wydra discloses a method for operating a network for the interconnection of computers having a server and a client, comprising:

- storing datafiles on said server that are executable in said server and in said client (column 5, lines 8-25, 36-41);
- calling said datafiles by said client by sending a corresponding datafile address to said server (column 5, lines 54-55);
- transmitting said datafiles by said server to said client in response to said

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calling said datafiles by said client, inquiring by said client to said server, which is a queried server, for a specific service offered by said server, said client using specific parameters of said service (column 5, lines 54-55, column 7, lines 12-20);

- determining by said queried server whether it can perform said inquired service (column 5, lines 55-58, column 7, lines 15-20);
- if said server cannot perform said service, said server switches said client to a further server or device connected to said network that is capable of executing said service (column 6, lines 19-28, column 7, lines 22-25).

As per claim 18, Wydra discloses the method for the operation of a network according to claim 16, further comprising the steps of:

storing information about said services offered by said server in a databank of said server (column 6, lines 6-15);

examining said databank to determine if a service is present for an inquiry by said client (column 6, lines 10-20).

As per claim 19, Wydra discloses the method for the operation of a network according to claim 16, further comprising:

generating an address of a further server or device for said server switching

said client to said further server or device (column 5, lines 60-67, column 8, lines 65-67, column 9, lines 1-3);

communicating said address to said client inquiring said server (column 9, lines 26-41).

As per claim 20, Wydra discloses the method for the operation of a network according to claim 16, further comprising:
installing an interpreter at said server (column 5, lines 16-30);
interpreting, by said interpreter, language elements executable at said server contained in said datafile (column 5, lines 55-67);
executing, by said interpreter, said language elements executable at said Server (column 6, lines 1-10);
executing, by said client, language elements executable at said client contained in said datafile (column 6, lines 19-28).

Response to Arguments

The Office notes the following arguments:

- (a) Restriction has not become proper since no amendments to the claims have been made and no actions have been taken on the part of the Applicant that would make the restriction become proper.
- 3. Applicant's argument has been fully considered but is not persuasive.

In response to:

(a) Claims 1-8 (Group I) and 16-20 (Group II) are drawn to distinct inventions.

Claims 1-8 (Group I) require a system having data of different formats and converting incoming as well as outgoing data to appropriate data formats. This feature is not at all required for Group II.

Claims 16-20 (Group II) require that the client query the server for specific services offered. The server determines whether or not it can perform the requested service and if not, switching the client to a further server that is capable of executing the service. This feature is not at all required for Group I.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

January 22, 2007


MUSTAFA M. MERY
PRIMARY EXAMINER